

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 17, 19, 20, and 22 are pending. Claims 17, 19, 20, and 22 are amended and Claims 14-16, 18, 21, and 23 are canceled without prejudice or disclaimer by the present amendment. It is respectfully submitted that no new matter is added by this amendment, as support may be found, at least, in the specification at Figure 8 and at page 26, line 21 - page 27, line 1.

In the outstanding Office Action, Claims 14-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Kim et al. (U.S. Pat. No. 6,470,135, hereafter Kim) in view of Tsukidate (U.S. Pat. No. 6,714,722); and Claims 14-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Na et al. (U.S. Pat. No. 6,366,731, hereafter Na) in view of Yoshinobu et al. (U.S. Pat. No. 5,686,954, hereafter Yoshinobu) and further in view of Hiroshima et al. (U.S. Pat. No. 5,801,781, hereafter Hiroshima).

With regard to the rejection of Claims 14-23 under 35 U.S.C. §103(a) as unpatentable over Kim in view of Tsukidate, that rejection is respectfully traversed.

Independent Claims 17, 19, 20, and 22 have been amended to recite that the first management information includes size information indicating a length of the transport packet, and the recording or reproducing apparatus is configured to record data on or to reproduce data from a medium according to a combination of a specific broadcast source indicated by second management information and a specific transport packet length indicated by the size information of first management information.

As described in the specification at page 26, lines 21-26, for example, it is possible that different broadcast sources may use different sized packets. Thus, recording the

broadcast source is useful when one broadcast source uses MPEG-TS with conventional 188 byte packets while another broadcast source uses different size packets.

Kim describes a method for recording digital data streams. If a predetermined number, for example 20, stream object units are created by repeating a grouping task, the control unit 250 creates and records a stream object unit index number, an accumulated presentation unit index number, an accumulated presentation time, and an accumulated size for the 20 stream object units. The accumulated presentation time and accumulated size for each of 20 stream object units are the presentation time and size accumulated from the start position of the stream object containing the associated stream object units to each of the 20 stream object units, respectively.¹ Thus, from this description, it is evident that Kim describes grouping stream object units and recording a size based on the size of the entire grouping of stream object units, not the source of the broadcast. In fact, the outstanding Office Action concedes on page 4 that Kim does not teach or suggest even the identification of the broadcast source, much less recording information based on the broadcast source, but instead relies on Tsukidate as disclosing this feature.

However, it is respectfully submitted that Tsukidate does not teach or suggest this feature either. Although Tsukidate discloses that a broadcast source is identified,² Tsukidate also describes that the packet sizes are uniform.³ Thus, Tsukidate necessarily fails to disclose or suggest that the first management information is configured to be variable with respect to packet length for each recording. Further, Tsukidate also fails to teach or suggest that a recording or reproducing apparatus is configured to record data on or to reproduce data from a medium according to a *combination* of a *specific broadcast source* indicated by second management information *and a specific transport packet length* indicated by the size information of first management information, as recited in Claims 17, 19, 20, and 22.

¹Kim, col. 3, lines 50-62.

²Tsukidate, col. 5, lines 17-41.

³Tsukidate, col. 7, lines 11-19.

Accordingly, as neither Kim nor Tsukidate, either alone or in combination, discloses or suggests the features of independent Claims 17, 19, 20, and 22, it is respectfully requested that the outstanding rejection of Claims 17, 19, 20, and 22 be withdrawn.

Moreover, it is respectfully submitted that there is no motivation in the teachings of either Kim or Tsukidate to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within either reference to support the applied combination. It is therefore respectfully submitted that the combination of Kim with Tsukidate is the result of hindsight reconstruction, and is improper.

With regard to the outstanding rejection of Claims 14-23 under 35 U.S.C. §103(a) as unpatentable over Na in view of Yoshinobu and further in view of Hiroshima, that rejection is also respectfully traversed.

Na discloses a digital broadcast receiving/recording apparatus and method. As admitted in the outstanding Office Action at page 6, Na fails to disclose or suggest a management area. The outstanding Office Action attempts to remedy this admitted deficiency by relying on Yoshinobu and Hiroshima.

Page 6 of the outstanding Office Action states “Yoshinobu teaches ...a medium with a management are for storing the management information that including broadcast source including the program title of a channel, program names.” Figure 12 of Yoshinobu describes that the user table of contents includes a file name, attribute, date, start cluster, length, and link-p. However, Figure 12 of Yoshinobu does not disclose or suggest that the **broadcast source** is recorded on the medium, only the **program title**. As the same program may be broadcast by different sources with different packet lengths, it is respectfully submitted that the disclosure of recording a program name on a medium is not relevant to the features of Claims 17, 19, 20, and 22. As none of the applied references teach or suggest “said management area is configured to record first management information including second

management information specifying broadcast sources,” it is respectfully submitted that Claims 17, 19, 20, and 22 are patentable over the cited references.

Further, Hiroshima is relied on as teaching “using variable packet length information as management information for managing the packet.”⁴ However, it is respectfully submitted that Hiroshima does not teach or suggest that a recording or reproducing apparatus is configured to record data on or to reproduce data from a medium according to a *combination* of a *specific broadcast source* indicated by second management information *and* a *specific transport packet length* indicated by the size information of first management information, as recited in Claims 17, 19, 20, and 22.

Therefore, as none of Na, Yoshinobu, or Hiroshima, either alone or in combination, disclose or suggest the features of Claims 17, 19, 20, and 22, it is respectfully requested that this rejection be withdrawn.

In addition, it is respectfully submitted that there is no motivation in the teachings of Na, Yoshinobu, and/or Hiroshima to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within any of the references to support the applied combination. It is therefore respectfully submitted that the combination of Na, Yoshinobu, and Hiroshima is the result of hindsight reconstruction, and is improper.

⁴Outstanding Office Action, page 7.

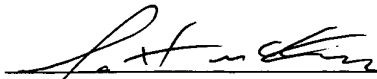
Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that the application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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